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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

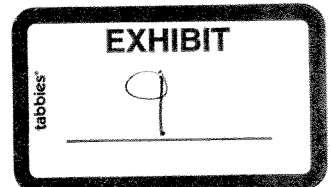
STATE OF OKLAHOMA, ex rel,	)	
W.A. DREW EDMONDSON, in his	)	
capacity as ATTORNEY GENERAL	)	
OF THE STATE OF OKLAHOMA,	)	
et al.	)	
	)	
Plaintiffs,	)	
	)	
V.	)	No. 05-CV-329-GKF-PJC
	)	
	)	
TYSON FOODS, INC., et al.,	)	
	)	
Defendants.	)	

REPORTER'S TRANSCRIPT OF PROCEEDINGS  
HAD ON JULY 2, 2009  
MOTION HEARING

BEFORE THE HONORABLE GREGORY K. FRIZZELL, Judge

APPEARANCES:

<u>For the Plaintiffs:</u>	Mr. Drew Edmondson
	Attorney General
	Ms. Kelly Hunter Burch
	Assistant Attorney General
	313 N.E. 21st Street
	Oklahoma City, Oklahoma 73105



1 function of public policy that particular factor of the four in  
2 Rule 19(b) loses a lot of its significance, but only in the  
3 context when you're dealing with an Indian tribe. But talking  
4 about an adequate remedy, all of these lands are subject to  
5 these nutrient management plans and the nutrient management  
6 plans tell the -- tell the farmer or the grower, if you will,  
7 exactly how much litter can be placed upon the land. An  
8 adequate remedy is to just take that number and put zero in  
9 there or some other number lower than what's in those permits  
10 now. I mean, that's a remedy that the state has at its  
11 disposal as we speak, yet notwithstanding that remedy which is  
12 simple and forthright, it's my understanding that during the  
13 pendency of this litigation they are still writing these  
14 nutrient management plans and still telling growers and farmers  
15 how much poultry litter they can put upon the land. If they  
16 think that poultry litter is causing the kind of injury which  
17 they allege in their complaint, they have a very simple remedy  
18 how to cure that.

19 THE COURT: You're from Washington. You know the  
20 government doesn't always speak with one voice.

21 MR. GREEN: Sometimes they are very confused, Your  
22 Honor. But I think it's fair to point that out. And so I  
23 think that leg of the equation, you know, if we're looking at  
24 that analytically, is more than -- is more than satisfied.

25 THE COURT: Can -- and I'll ask Mr. Nance this as